
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Kevin James O'Mara,

Plaintiff,

v.

FNU Platt,

Defendant.

REPORT AND RECOMMENDATION

Case No. 2:13-cv-118 DN

District Judge David Nuffer

Magistrate Judge Brooke Wells

On February 14, 2013, Plaintiff Kevin O'Mara filed his Complaint in this action.¹ To date, there is no evidence in the record that Plaintiff has properly served Defendant with process and the 120 day time frame under Rule 4(m) has expired.² In addition, on June 27, 2013, the undersigned entered an Order to Show Cause ordering Plaintiff to respond in writing concerning his intentions to proceed in this case on or before July 8, 2013. Plaintiff was explicitly warned that a failure to respond would result in dismissal of this case. As of the date of this Recommendation, Plaintiff has failed to file a response to the Order to Show Cause.

RECOMMENDATION

Accordingly, the undersigned recommends that this case be DISMISSED.

NOTICE

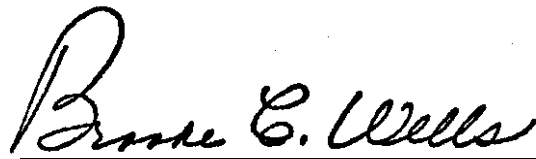
A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum,

¹ Docket no. 3.

² Fed. R. Civ. P. 4(m) provides in relevant part: "If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."

and request for oral argument before the district judge, if any is sought, within fourteen (14) days after being served with a copy. Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.

DATED this 12 July 2013.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large initial "B".

Brooke C. Wells
United States Magistrate Judge